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18
 19 UNITED STATES DISTRICT COURT
 20 DISTRICT OF NEVADA

21 DAYSEAN JENKINS

22 Plaintiff,

23 v.

24 DANIEL SIMAS, an individual; JOSEPH
 25 BENSON, an individual; MIKE DAVIS, an
 26 individual; JOHN HALKI, an individual; and
 27 DEBBIE KEENNON, an individual;
 28 collectively,

Defendants.

Case No.: 3:23-cv-00049-ART-CLB

**ORDER GRANTING STIPULATION
 TO EXTEND TIME FOR PLAINTIFF'S
 RESPONSE TO DEFENDANT DR.
 JOHN HALKI'S MOTION TO
 DISMISS PLAINTIFF'S SECOND
 AMENDED COMPLAINT**

[ECF No. 29]

(First Request)

Pursuant to Fed. R. Civ. P. 6(b)(1) and Local Rules IA 6-1, IA 6-2, and 26-3, Plaintiff DAYSEAN JENKINS ("Plaintiff" or "Mr. Jenkins"), by and through his attorneys of the law firms of LAWRENCE & LAWRENCE LAW, PLLC and TRAVIS N. BARRICK, PC and Defendant Dr.

1 JOHN HALKI (“Dr. Halki”), by and through his attorneys of the law firm of LEWIS BRISBOIS
2 BISGAARD & SMITH LLP, hereby submit this Stipulation and Order to Extend Time for Plaintiff’s
3 Response to Defendant Dr. John Halki’s Motion to Dismiss Plaintiff’s Second Amended
4 Complaint.

5 This is the first stipulation to extend the response deadline, and this stipulation is presented
6 to the Court in advance of the current deadline of December 20, 2024. For the foregoing reasons
7 and as is more fully explicated below, the Parties stipulate to and respectfully request that this
8 Court extend the response deadline in this matter until January 3, 2025.

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10 **I. RELEVANT PROCEDURAL HISTORY**

11 1. On November 23, 2024, pursuant to the Court’s August 12, 2024, Order extending
12 the deadline to amend pleadings and add parties, Plaintiff filed his Second Amended Complaint,
13 adding new causes of action for deliberate indifference arising from violations of Article 1,
14 Section 6 of the Nevada Constitution.

15 2. On December 6, 2024, Defendant Dr. Halki filed his Motion to Dismiss Plaintiff’s
16 Second Amended Complaint (the “Motion to Dismiss”), specifically with respect to the Nevada
17 Constitutional claims.

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19 **II. LEGAL STANDARD**

20 Fed. R. Civ. P. Rule (“FRCP”) 6(b)(1) governs extensions of time and allows, in relevant
21 part, that “[w]hen an act may or must be done within a specified time, the court may, for good
22 cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is
23 made, before the original time or its extension expires.” If additional time for any purpose is
24 needed, the proper procedure is to present a request for extension of time before the time fixed
25 has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31 F.R.D. 282 (W.D. Pa. 1962). An
26 extension of time may always be sought and is usually granted on a showing of good cause if
27 timely made under subdivision (b)(1) of [FRCP 6]. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D.
28 Ohio 1947). Also, a district court possesses the inherent power to control its own docket.

1 *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990);
2 *Olivia v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992).

3 LR IA 6-1 additionally requires that a motion to extend time must state the reasons for the
4 extension requested. LR 26-3 requires that a motion to extend any date set by the discovery plan,
5 scheduling order, or other order must, as well as satisfying the requirements of LR IA 6-1,
6 demonstrate good cause for the extension.

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8 **III. ARGUMENT**

9 As noted above, Dr. Halki's Motion to Dismiss was filed on December 6, 2024, and
10 Plaintiff's Response thereto is required, in the normal course of things, by Friday, December 20,
11 2024. Accordingly, under FRCP 6.1(b)(1), the instant Stipulation for extension of time is timely
12 filed with respect to the upcoming response deadline.

13 Unfortunately, Plaintiff's lead counsel, Mr. Lawrence, has a previously and long-
14 scheduled trip out of country, from December 10, 2024, to December 20, 2024, which will render
15 a timely response to the Motion to Dismiss impracticable, if not impossible. The Parties stipulate
16 that this previously scheduled international trip constitutes good cause for a brief extension of
17 time for Plaintiff's response. Given the Christmas holiday in the week following the present
18 response deadline, the Parties are amenable to and request approval by the Court of an extension
19 for Plaintiff's Response to Dr. Halki's Motion to Dismiss of two weeks, until January 3, 2025.

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1 **IT IS SO STIPULATED.**

2 DATED this 8th day of December 2024.

3 **LAWRENCE & LAWRENCE LAW, PLLC**



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14 DATED this 8th day of September 2024.

15 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

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23 *Attorney for Defendant Dr. John Halki*

24 **IT IS SO ORDERED.**

25 DATED: December 9, 2024



26 UNITED STATES MAGISTRATE JUDGE